

DRE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dave Hoff, President
Chemetco, Inc.
P.O. Box 67
Hartford, Illinois 62048

Re: RCRA 3007 Information Request
Chemetco, Inc.
U.S. EPA I. D. No.: ILD 048 843 809

Dear Mr. Hoff:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. You are requested to provide information concerning the items shown in Part III of the Information Request.

The information requested herein must be provided to this office within thirty (30) days of receipt of this letter notwithstanding its possible characterization as confidential information. You may, pursuant to 40 CFR 2.203(a), assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR Part 2.203(b). Information covered by such a claim will be disclosed by U.S.EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is

submitted, since any information not so identified may be made available to the public without further notice.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. In addition, any documents submitted to U.S. EPA Region 5 pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should so notify Region 5. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

If you have any questions regarding this matter, please contact Patrick Kuefler, of my staff, at (312) 353-6268. Your response should be sent to the United States Environmental Protection Agency, Region 5, Enforcement and Compliance Assurance Branch (DRE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Patrick Kuefler.

Sincerely Yours,

Lorna Jereza, Chief
IL/IN Section
Enforcement and Compliance Assurance Branch

cc: Todd Marvel, IEPA
Chris Cahnovsky, IEPA-Collinsville

bc: Patrick Kuefler, ECAB, IL/IN
ECAB reading file

IL/IN Section reading file

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V**

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|-----------------------------------|---|------------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Chemetco, Inc. |) | Information Request Pursuant |
| P.O. Box 67 |) | to Section 3007 of the |
| Hartford, Illinois 62048 |) | Resource Conservation and |
| |) | Recovery Act, as amended, |
| |) | 42 U.S.C. §6927 |
| U.S. EPA ID. No.: ILD 048 843 809 |) | |
| |) | |

This is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request serves to require Chemetco, Inc. (Chemetco) to submit information relating to the hazardous waste generated and treated at its facility located at Illinois Highway 3 and Oldenberg Road, Hartford, Illinois. U.S. EPA has determined that this information is necessary to ascertain the facility's compliance status with the standards for hazardous wastes generated, treated, stored, or disposed set forth at 40 CFR Parts 260 through 270. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

I. INSTRUCTIONS

This request for information pertains to any and all information you may have regarding the applicability of and conformance with the RCRA. If any information called for herein is not available or accessible in the full detail requested, the request shall be deemed to call for the best information available. The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible, including, where specific information is not available or accessible, an estimate and explanation of the method by which each estimate is made.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes, or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. A request for confidential

treatment must be made when the information is provided since any information not so identified will not be accorded this protection by the Agency and may be released to the public without further notice.

The written statements submitted pursuant to this request must be accompanied by a notarized affidavit from a responsible company official or representative that statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory should so notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided, within thirty (30) days following receipt of this request, to the United States Environmental Protection Agency, Region 5, Enforcement and

Compliance Assurance Branch (DRE-9J), 77 West Jackson Boulevard,
Chicago, Illinois 60604, Attention: Patrick Kuefler.

II. DEFINITIONS

1. "Treatment" means treatment as defined in 40 CFR 270.2.
2. "Storage" means storage as defined in 40 CFR 270.2.
3. "On-site" means on-site as defined in 40 CFR 260.10.
4. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them). (40 CFR 260.10)
5. "Hazardous waste" means hazardous waste as defined in 40 CFR 261.3.
6. "Management or hazardous waste management" means management as defined in 40 CFR 260.10.

III. REQUEST FOR INFORMATION

1. Please provide copies of all information and documentation related to the chemical analysis useful in determining the toxicity characteristic (Both Extraction Procedure [EP], Toxicity

Characteristic Leachate Procedure [TCLP], and total concentrations of toxicity characteristic constituents as listed in 40 CFR 261.24) of following materials/wastes produced on-site:

- a) slag
- b) slag fines
- c) lead fines
- d) spent refractory brick (by type including the bricks discarded on-site South of Oldenberg Road)

2. Provide a list of products produced from slag and their uses. Also include a description of the process used to produce slag products including a list of materials added, a description of the added material's purpose, and the quantities added.

3. Provide copies of any contracts, bill of sales, that have been executed for the sale of slag and/or slag products

4. Provide information and documentation concerning the quantity of slag (by weight) generated during calendar years 1994, 1995, and 1996.

5. Provide information and documentation concerning the quantity of slag products (by weight) produced and sold during calendar years 1994, 1995, and 1996.

6. Provide a detailed summary of the steps taken to date manage and/or dispose of discarded refractory brick and debris collected from the area of the facility South of Oldenberg Road. (The material was subsequently accumulated as a waste pile as on September 5, 1997, in the area of the Facility south of Oldenberg Road)

7. Provide copies of any existing sample analysis of soils and/or vegetation generated to determine potential contamination by hazardous waste or hazardous waste constituents in areas that are either off-site and adjacent to or formerly off-site and adjacent to the Facility.

8. Provide copies of all correspondence, contracts, bills of sales, or agreements related to the purchase or remediation of any property that is either off-site and adjacent to the Facility or formerly off-site property.

9. Provide any and all documents related to alleged damage of any real property by any owners or agents or property either currently or formerly located adjacent to the Facility.
10. Provide a listing of shipments of zinc oxide exported to Europe either as hazardous waste or as product including the dates of shipment, quantities shipped method of transport and copies of all shipping documents retained.
11. Provide a description of the shipment of hazardous waste zinc oxide to METALEUROP, S.A., including the dates of shipment and quantities shipped.
12. Provide a description of differences and similarities of zinc oxide exported as waste or a material sold as product. Please include any distinguishing chemical analyses and lists of materials added to zinc oxide products prior to export.
13. Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents

and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this _____ day of _____, 1997.

Lorna Jereza, Chief
IL/IN Section
Enforcement and Compliance Assurance Branch